

05-17-04

\$ 61/165293

EXPRESS MAIL NO. EV336654396US

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TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	10/053,510
Filing Date	January 17, 2002
First Named Inventor	Julie D. Saba
Art Unit	1652
Examiner Name	Delia M. Ramirez, Ph.D.
Attorney Docket No.	200116.402C2

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement; Form PTO-1449
- ☐ Cited References
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
- ☐ Response to Missing Parts/Incomplete Application

- ☐ Drawing(s)
- ☐ Request for Corrected Filing Receipt
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation, Change of Correspondence Address
- ☒ Supplemental Declaration
- ☐ Statement under 37 CFR 3.73(b)
- ☐ Terminal Disclaimer
- ☐ Request for Refund

- ☐ CD(s), Number of CD(s) _____
- ☐ After Allowance Communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (*Appeal Notice, Brief, Reply Brief*)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Return Receipt Postcard
- ☒ Additional Enclosure(s) (*please identify below*):
 - Petition to Correct Inventorship;
 - Consent of Assignee to Correct Inventorship; Copy of
 - Supplemental Assignment;
 - Statement of Deleted Inventor;
 - Statement of Added Inventor;
 - Supplemental ADS

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Julie A. Urvater, Ph.D., Patent Agent	Customer Number 00500
Signature		
Date	May 14, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name		
Signature		Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S.

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete If Known

Application Number 10/053,510

Filing Date January 17, 2002

First Named Inventor Julie D. Saba

Examiner Name Delia M. Ramirez, Ph.D.

Art Unit 1652

Attorney Docket No. 200116.402C2

METHOD OF PAYMENT

☒ Payment Enclosed:☒ Check ☐ Credit card ☐ Money Order ☐ Other☐ Deposit Account:Deposit
Account
Number

19-1090

Deposit
Account
NameSeed Intellectual Property Law Group
PLLC

The Director is authorized to (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any deficiencies
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =	*	=
Independent Claims	** =	*	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

SUBMITTED BY

Name (Print/Type) Julie A. Urvater, Ph.D., Patent Agent

Registration No. Attorney/Agent 50,461

Signature

Date

May 14, 2004

Customer Number

00500

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22316-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julie D. Saba et al.
Application No. : 10/053,510
Filed : January 17, 2002
For : SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES,
POLYNUCLEOTIDES AND MODULATING AGENTS AND
METHODS OF USE THEREFOR

Art Unit : 1652
Docket No. : 200116.402C2
Date : May 14, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT INVENTORSHIP OF PATENT APPLICATION
PURSUANT TO 37 CFR § 1.48 (a)

Sir:

This is a request under the provisions of 37 CFR 1.48(a) requesting correction of the inventorship of U.S. Patent Application No. 10/053,510, filed January 17, 2002. It has been found that the aforementioned patent application, through error and without deceptive intent, improperly sets forth the inventorship. The correct inventorship of this patent application is (in the following order): Julie D. Saba, 6630 Banning Drive, Oakland, CA 94611; and Jianghui Zhou, 246 Bearritz Court, Redwood City, CA 94065. As required by 37 CFR 1.48(a), enclosed are:

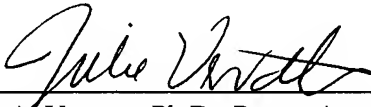
- (1) a statement from Jianhui Zhou who is being added as an inventor and from Henrik Fyrst who is being deleted as an inventor that the inventorship error occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by Julie D. Saba and Jianhui Zhou;
- (3) the written consent of the assignee to the change of inventorship; said statement in compliance with the requirements of 37 CFR § 3.73(b);



Patent Application No. 10/053,510
Petition to Correct Inventorship
May 14, 2004

(4) the processing fee of \$130 as set forth in 37 CFR § 1.17(i)

Respectfully submitted,
Seed Intellectual Property Law Group PLLC



Julie A. Urvater, Ph.D., Patent Agent
Registration No. 50,461

JAU:tt

Enclosures:

Postcard
Check for \$130
Items 1-3 above

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

467997_1.DOC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julie D. Saba et al.
Application No. : 10/053,510
Filed : January 17, 2002
For : SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES,
POLYNUCLEOTIDES AND MODULATING AGENTS AND
METHODS OF USE THEREFOR

Art Unit : 1652
Docket No. : 200116.402C2

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-4124

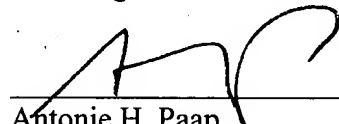
CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Sir:

The undersigned hereby declares that Children's Hospital & Research ^{Center}~~Institute~~ at Oakland is the assignee of the above-identified patent application, as evidenced by the Assignment recorded at the U.S. Patent and Trademark Office on July 22, 2002 at Reel 013107, Frame 0920, and the Assignment attached hereto. The undersigned further declares that the subject Assignments have been reviewed and that, to the best of the Assignee's knowledge and belief, full right, title and interest in the above-identified patent is in Children's Hospital & Research Center at Oakland.

Children's Hospital & Research Center at Oakland hereby consents to the correction of inventorship of the above-identified patent application to name Jianhui Zhou as an inventor and to remove Henrik Fyrst as an inventor for the above-identified patent application, as requested in the Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) filed herewith.

The undersigned (whose title is supplied below) is authorized to act on behalf of the Assignee.



Antonie H. Paap
President and CEO

Date

4/28/04

COPY

SUPPLEMENTAL ASSIGNMENT

WHEREAS, we, Julie D. Saba and Jianhui Zhou (hereinafter referred to as ASSIGNORS), having mailing addresses of 6630 Banning Drive, Oakland, CA 94611, and 246 Bearritz Court, Redwood City, CA 94065, respectively, are the joint inventors of an invention entitled "SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES, POLYNUCLEOTIDES AND MODULATING AGENTS AND METHODS OF USE THEREFOR," as described and claimed in the specification forming part of a continuation-in-part application for United States letters patent which was filed on January 17, 2002 and assigned Application No. 10/053,510; this application is a continuation-in-part of U.S. Application No. 09/356,643, filed July 19, 1999, now Patent No. 6,569,666, which is a continuation-in-part of U.S. Application No. 08/939,309 filed September 29, 1997, now Patent No. 6,423,527;

WHEREAS, Children's Hospital & Research Center at Oakland (hereinafter referred to as ASSIGNEE), a non-profit organization of the State of California having a place of business at 5700 Martin Luther King Jr. Way, Oakland, CA 94609-1673, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

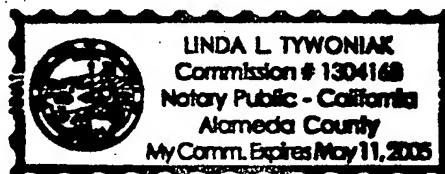
NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents

required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

4-7-04
Date Julie D. Saba
State of CALIFORNIA)
County of Alameda) ss.

I certify that I know or have satisfactory evidence that Julie D. Saba is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 4-7-04
Signature of Notary Public Linda L Tywoniak
Printed Name LINDA L TYWONIAK
My appointment expires 5-11-2005

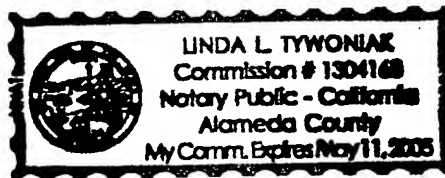


4-23-04
Date Jianhui Zhou
State of CALIFORNIA)
County of Alameda) ss.

I certify that I know or have satisfactory evidence that Jianhui Zhou is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 4-23-04
Signature of Notary Public Linda L Tywoniak
Printed Name LINDA L Tywoniak
My appointment expires 5-11-04

468124_1.DOC





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julie D. Saba et al.
Application No. : 10/053,510
Filed : January 17, 2002
For : SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES,
POLYNUCLEOTIDES AND MODULATING AGENTS AND
METHODS OF USE THEREFOR

Art Unit : 1652
Docket No. : 200116.402C2

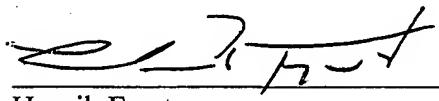
Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-4124

STATEMENT OF DELETED INVENTOR UNDER 37 C.F.R. § 1.48(a)

Sir:

I, Henrik Fyrst agree to the change of inventorship to be removed as an inventor of the above-referenced U.S. Patent Application. The error in inventorship was indeed an error and occurred without deceptive intention on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.



Henrik Fyrst

Date 4/28/04



Express Mail No. EV336654396US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Julie D. Saba et al.
Application No. : 10/053,510
Filed : January 17, 2002
For : SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES,
POLYNUCLEOTIDES AND MODULATING AGENTS AND
METHODS OF USE THEREFOR

Art Unit : 1652
Docket No. : 200116.402C2

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-4124

STATEMENT OF NEWLY ADDED INVENTOR UNDER 37 C.F.R. § 1.48(a)

Sir:

I, Jianhui Zhou, hereby state that the inventorship error of failing to include me as an inventor of the above-referenced U.S. Patent Application occurred without any deceptive intention on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Jianhui Zhou

Date 4-23-04



EXPRESS MAIL NO.: EV336654396US

Approved for use through 10/31/2002. OMB 0651-0032. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

SUPPLEMENTAL DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	SPHINGOSINE-1-PHOSPHATE LYASE POLYPEPTIDES, POLYNUCLEOTIDES AND MODULATING AGENTS AND METHODS OF USE THEREFOR
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/053,510, filed on January 17, 2002,
☒ as amended on March 25, 2003 and March 4, 2004 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we hereby declare that the subject matter of the ☐ the attached amendment ☒ amendments filed on March 25, 2003 and March 4, 2004 was part of my or our invention and was invented before the filing date of the original application, above identified for such invention.

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one:	Julie D. Saba	Citizen of:	US
Signature:	<u>Julie D. Saba</u>	Date:	<u>4-7-04</u>

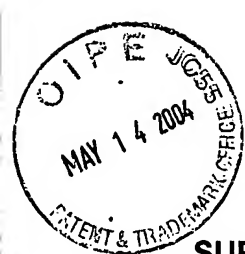
Inventor two:	Jianhui Zhou	Citizen of:	People's Republic of China
Signature:	<u>Jianhui Zhou</u>	Date:	<u>4-23-04</u>

Inventor three:		Citizen of:	
Signature:		Date:	

Inventor four:		Citizen of:	
Signature:		Date:	

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 468095_1.DOC

**SUPPLEMENTAL APPLICATION DATA SHEET****Application Information**

Application number:: 10/053,510

Filing Date:: January 17, 2002

Application Type:: Regular

Subject Matter:: Utility

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R?:: None

Number of CD disks::

Number of copies of CDs::

Sequence submission?:: Yes

Computer Readable Form (CRF)?:: Yes

Number of copies of CRF:: 1

Title ::
SPHINGOSINE-1-PHOSPHATE LYASE
POLYPEPTIDES, POLYNUCLEOTIDES AND
MODULATING AGENTS AND METHODS OF
USE THEREFOR

Attorney Docket Number:: 200116.402C2

Request for Early Publication?:: No

Request for Non-Publication?:: No

Suggested Drawing Figure::

Total Drawing Sheets::

Small Entity?:: Yes

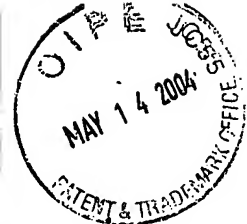
Petition included?:: No

Petition Type::

Licensed U.S. Gov't Agency::

Contract or Grant No::

Secrecy Order in Parent Appl.?:: No

**First Applicant Information**

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Julie
Middle Name:: D
Family Name:: Saba
Name Suffix::
City of Residence:: Oakland
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: 6630 Banning Drive
City of mailing address:: Oakland
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 94611

Second Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Denmark People's Republic of China
Status:: Full Capacity
Given Name:: Henrik Jianhui
Middle Name::
Family Name:: Fyrst Zhou
Name Suffix::
City of Residence:: Alameda Redwood City
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: ~~1411 Grant Street, #3~~ 246 Bearritz Court

City of mailing address:: Alameda Redwood City
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: ~~94501~~ 94065

Correspondence Information

Correspondence Customer Number :: **00500**

Representative Information

Representative Customer Number::		00500
----------------------------------	--	--------------

Domestic Priority Information

Application ::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application <u>10/053,510</u>	Continuation-in-part of	09/356,643	07/19/99
09/356,643	Continuation-in-part of	08/939,309	09/29/97

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee name::	Children's Hospital Oakland Research Institute & Research Center at Oakland
Street of mailing address::	747 Fifty Second Street 5700 Martin Luther King Jr. Way
City of mailing address::	Oakland
State or Province of mailing address::	CA
Country of mailing address::	US
Postal or Zip Code of mailing address::	94609-1673

(JAU:tt) #249483